

## **REMARKS**

In the patent application, claims 1-50 are pending. In the office action, claims 1, 3-5, 7-9, 23-31, 33-34 and 47-50 are rejected, and claims 2, 6, 10-22, 32 and 35-46 are objected to but would be allowable if rewritten in independent form.

### ***Claim Objections***

At section 3 of the office action, claims 10, 12, 17, 18, 22, 28, 29, 40 and 43 are objected to for informalities. Applicants have made the appropriate corrections to amended claims 10, 12, 17, 18, 22, 28, 29, 40 and 43 as suggested by the Examiner to overcome the objections. Withdrawal of the objections is respectfully requested.

### ***Claim Rejections – 35 USC §103***

At sections 4-5 of the office action, claims 1, 3-5, 7-9, 23-24, 26-31, 33-34, 47, 49 and 50 are rejected under 35 U.S.C 103(a) as being unpatentable over *Berg et al.* (US 6,704,256, hereafter referred to as *Berg*) in view of *Komurasaki et al.* (US 4,334,299, hereafter referred to as *Komurasaki*).

Applicants respectfully disagree.

As set forth in claim 1 of the present invention, the device comprises "at least one access unit for reading out data from and *writing data to* said optical storage medium; at least one light source arranged to produce at least one first light beam and *at least one second light beam*; optics arranged to transmit and guide said first light beam and said second light beam towards said data tracks of the optical storage medium; and a detector arranged to detect light beams that are reflected from the surface of the optical storage medium, wherein said access unit is arranged to pivot on one end at a pivot point in order to move three-dimensionally in relation to the pivot point, said optics and said detector are arranged to move in accordance with the movement of said access unit, said optics are arranged to guide said first light beam *transversal directly to data tracks* of the optical

storage medium in accordance with the movement of said access unit, and said detector is arranged to receive the reflected beams of said first light beam or said second light beam from said data tracks of the optical storage medium in order to control the movement of said access unit” [*emphasis added*]. The Office admits that *Berg* does not disclose an access unit for *writing data to* said optical storage medium, that the at least one light source is arranged to produce *at least one second light beam*, and that said optics are arranged to guide said first light beam *transversal directly to* data tracks of the optical storage medium. The Office turns to *Komurasaki* to disclose these limitations. As disclosed at col. 2, lines 29-42, *Komurasaki* teaches an optical recording and reproducing system wherein the recording light beam (i.e. first light beam) forms a recording spot on a record surface and the reproducing light beam (i.e. second light beam) forms a first reproducing spot at the *fixed distance* from the recording spot. *Komurasaki* does not teach a “first light beam *transversal directly to data tracks* of the optical storage medium” in the sense of the claimed invention. The term “transversal” is shown and described in the present application at page 10, lines 8-14, and Figures 2a and 2b. It is clear that the light beam 18 of *Komurasaki* as shown in Figure 1 is configured like the light beam 22 of the present invention as shown in Figure 2b; in this configuration, as defined in the specification of the present invention, the beam is perpendicular to the data tracks, not transversal. Furthermore, in addition to the case law relied upon by the Examiner in the section entitled “Claim Rejections,” reference should be made to *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) (*en banc*), wherein the Court specifically holds: “Importantly, the person of ordinary skill in the art is deemed to read the claim term not only in the context of the particular claim in which the disputed term appears, but in the context of the entire patent, including the specification” 75 USPQ 2d 1321, 1326. Thus, it is the language used in the specification regarding the term “transversal” as recited in claim 1 that primarily determines the scope of that term. It is explained therein, including at page 10, lines 8-14, and Figures 2a and 2b, that “transversal” means “not perpendicular”.

*Komurasaki* further teaches at col. 4, lines 40-44 that the reproducing spot is disposed temporarily delayed with respect to that of the recording spot and that it immediately reproduces the signal recorded in the recording spot (in the pit on the record

surface). This process is used for monitoring the quality of the recorded signals immediately after their recording (col. 5, lines 15-23).

The Office asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to have applied the teachings of *Komurasaki* to the device of *Berg*. Applicants respectfully disagree. If the skilled person were to consider combining the teachings of *Berg* and *Komurasaki* he would not arrive at the solution disclosed in claim 1. In consideration of the prior art, the skilled person is faced with the problem of how to obtain a compact access unit that is lightweight enough to be capable of moving around a pivot point (specification page 2, lines 7-11) and that can be used for reading and writing repetitively. When combining the access unit of *Berg* with means for producing recording and first reproducing light beams of *Komurasaki*, the skilled person would arrive at an access unit that is capable of writing and monitoring the quality of the writing, but not capable of repetitively reading (reproducing) the recordings (*Komurasaki* col. 5, lines 24-32). In order to combine the teachings of *Berg* and *Komurasaki* and arrive at an access unit capable of both writing and repetitively reading the disc, a second reproducing light source of *Komurasaki* would need to be added to emit a second reproducing light beam that is capable of reproducing a recorded signal that has been recorded previously (col. 2, lines 20-26; col. 6, lines 6-23). Consequently, the access unit resulting from the combined teachings of *Berg* and *Komurasaki* would be heavy because the extra light sources are weighty and large in size (see specification page 2, lines 9-11). Therefore, the skilled person would not combine the teachings of *Berg* and *Komurasaki* in order to arrive at a light-weight and compact movable access unit as disclosed in claim 1 of the claimed invention. For at least the reasons above, claim 1 is patentable over *Berg* and *Komurasaki*.

Claims 3-5, 7-8, 24 and 26 are dependent from claim 1 and recite features not recited in claim 1. For at least the reasons regarding claim 1 above, claims 3-5, 7-8, 24 and 26 are also patentable over *Berg* in view of *Komurasaki*. The Office rejects claims 27-31, 33-34, 47, 49 and 50 on the same basis as claims 1, 3-5, 7-8, 24 and 26 as they have

similar limitations. For at least the reasons regarding claim 1 above, claims 27-31, 33-34, 47, 49 and 50 are also patentable over *Berg* in view of *Komurasaki*.

At section 6 of the office action, claims 25 and 48 are rejected under 35 U.S.C 103(a) as being unpatentable over *Berg* and *Komurasaki*, and further in view of *Snyder et al.* (US 6,215,755, hereafter referred to as *Snyder*). Claim 25 is dependent from claim 1 and recites features not recited in claim 1. Claim 48 is dependent from claim 27 and recites features not recited in claim 27. For at least the reasons regarding claims 1 and 27 above, claims 25 and 48 are also patentable over *Berg* and *Komurasaki*, and further in view of *Snyder*.

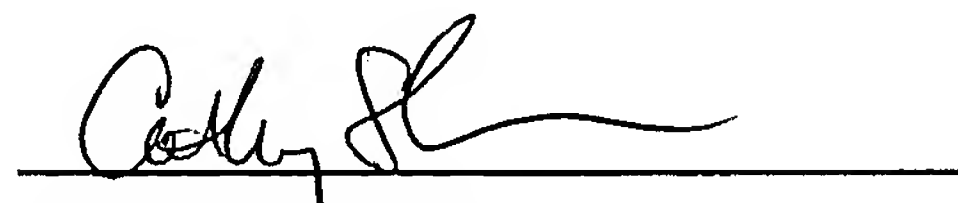
At section 7 of the office action, claims 2, 6, 10-22, 32 and 35-46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 2, 6 and 10-22 ultimately depend from claim 1. Claims 32 and 35-46 ultimately depend from claim 27. For at least the reasons regarding claims 1 and 27 above, claims 2, 6, 10-22, 32 and 35-46 are allowable in their dependent form.

**CONCLUSION**

In view of the foregoing, claims 1-50 are allowable. Early allowance of all pending claims is earnestly solicited.

Respectfully submitted,

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